

REMARKS

Reconsideration is requested.

Claims 1-35 and 37-39 are pending. Allowance of claims 4, 5 and 7 are acknowledged, with appreciation. Claims 31-35 and 37 have been withdrawn from consideration. Rejoinder and allowance of any claim defining a method of making and/or using a product defined by an allowable claim, at an appropriate time, are requested. Claims 3, 10, 16 and 20-28 have been objected to as being dependent upon a rejected base claim. See, page 5 of the Office Action dated February 26, 2007. Claims 38 and 39 have been added and find support in the now-canceled recitation of "oligonucleotides" of originally-filed claims 29 and 30. No new matter has been added.

Return of an initialed copy of the attached PTO 1449 Form, which lists the previously-filed references, pursuant to MPEP § 609, is requested. Further copies of the previously-cited documents are attached.

The Examiner is requested to clarify the record by either citing the references contained in the PTO IFW on a PTO 892 Form or by having the documents deleted from the PTO IFW. Specifically, the PTO IFW related to the above-identified Serial No. contains references relating to radio and television broadcast signals which have not been listed on a PTO 892 Form and were not submitted by the applicants.

The Title has been amended above according to the Examiner's suggestion. Withdrawal of the objection to the Title is requested.

The specification has been amended with regard to trademarks and tradenames. No new matter has been added. Withdrawal of the objection to the specification in this regard is requested.

Claim 3 has been amended to be singly dependent and claim 6 has been amended to be properly multiply dependent. See MPEP § 608.01(n). Withdrawal of the objection to claim 6 is requested.

The Section 112, second paragraph, rejection of claims 8, 9, 11, 12, 15, 19, 29 and 30 is believed to have been obviated by the above amendments. Reconsideration and withdrawal of the rejection are requested in view of the above and the following comments.

Claims 8, 9, 11 and 12 have been amended above to confirm the Examiner's understanding that the variant of the claims is a variant Hepatitis B virus, as the applicants believe will be recognized by one of ordinary skill from the original claim recitation. Claims 15, 19 and 29 have been amended to provide antecedent basis and obviate the objection to the same. Claims 29 and 30 and been amended and claims 38 and 39 added to delete the objected-to term.

The claims are submitted to be definite and withdrawal of the Section 112, second paragraph, rejection of claims 8, 9, 11, 12, 15, 19, 29 and 30 is requested.

The Section 102(a) rejection of claims 1, 2, 3, 8, 9, 13, 14, 17 and 18 over Bozdayi (Journal of Hepatology, 2001, 34(1):162-162), is submitted to be obviated by the attached Rule 132 Declaration of Abdurrahman Bozdayi executed June 26, 2007. Reconsideration and withdrawal of the Section 102 rejection are requested.

The claims are submitted to be in condition for allowance and a Notice to that effect is requested. The Examiner is requested to contact the undersigned, preferably by telephone, in the event anything further is required in this regard.

BOZDAYI
Appl. No. 10/509,094
Monday, August 27, 2007
Amendment

Respectfully submitted,

NIXON & VANDERHYE P.C.

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